

WRITTEN COMMENTS

BY THE EUROPEAN ROMA RIGHTS CENTRE

Submission to the Special Rapporteur on the Right to Adequate Housing, to the General Assembly in 2021 and to the Human Rights Council in 2021

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

BACKGROUND AND OBJECTIVE OF THE REPORT

The thematic reports of the Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.¹

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

BASIC INFORMATION

1. Name of Individual, Organization, Institution, Agency or State: **European Roma Rights Centre**

Type of Entity*

- National Government or federal governmental ministry/agency
- Inter-governmental organization or UN agency
- Local or regional government, agency, representative or mayor
- Association, tenant union or housing cooperative
- NGO network, umbrella organization
- Community-based NGO
- Academia
- Foundation**
- National human rights organization, ombudsperson
- Real estate, urban planning or construction
- Real estate investor or investment fund
- Trade Union
- Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

- Public administration
- Advocacy**
- Funding

¹ See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights.

- Legal Assistance**
- Networking
- Policy**
- Research**
- Technical Assistance
- Training
- N/A
- Other:

3. City/Town: **Brussels**

4. State/Province: **Belgium**

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); **International**

6. Contact e-mail (will remain confidential) in case we have questions: marek.balaz@errc.org

HOUSING DISCRIMINATION

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

- People of African Descent, or Roma
- Racial, caste, ethnic, religious groups/minorities or other groups
- Migrants, foreigners, refugees, internally displaced persons
- Women, children or older persons
- Indigenous peoples
- Persons with disabilities
- LGBTQ persons
- Low income persons, including people living in poverty
- Residents of informal settlements; persons experiencing homelessness
- Other social groups, please specify

ROMA AND THE FORMS OF DISCRIMINATION THEY FACE WITH REGARDS TO THE RIGHT TO ADEQUATE HOUSING

Across the EU, anti-Roma discrimination in housing was found to be pervasive, with forced evictions and demolitions a frequent option of first resort for municipalities, without providing adequate alternative accommodation for those evicted. The Roma Civil Monitor (RCM) reports confirmed that a disturbingly high share of the Roma population was often systemically discriminated against in their access to water supply and sanitation services.² Many segregated settlements and shanty towns lack not only access to clean water and sanitation, but also basic sewage and/or indoor plumbing, impacting on the ill health of the inhabitants and resulting in higher incidences of outbreaks of various diseases.³

² Much of the information in this section was excerpted from is excerpted from the Roma Civil Monitor synthesis reports, coordinated by the Center for Policy Studies of the Central European University (CEU CPS), in partnership with the European Roma Grassroots Organisations Network (ERGO Network), the European Roma Rights Centre (ERRC), the Fundación Secretariado Gitano (FSG) and the Roma Education Fund (REF) and implemented with around 90 NGOs and experts from up to 27 Member States. See: <https://cps.ceu.edu/roma-civil-monitor>.

³ Roma Civil Monitor. A synthesis of civil society’s reports on the implementation of national Roma integration strategies in the European Union. Center for Policy Studies Central European University. August 2018, pp. 30-32. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-synthesis27-2017-eprint-fin-2.pdf>.

The RCM reports identified systemic practices that prevent Roma from being able to move out of segregated and often illegally occupied areas. In those countries with the largest Roma populations, the reports found little evidence of actual or intended policy interventions to overcome residential segregation; some countries such as the **Czech Republic** are even witnessing a growth in the number and size of ‘socially excluded localities’, often in appalling conditions lacking basic infrastructure and access to basic public services. Property speculators buy up fully occupied buildings in segregated areas, resulting in many Roma families living in crowded, poorly maintained residential hostels (i.e. the number has increased from 11,027 in 2008 to 27,000 in 2014). An attempt to address discrimination in housing was thwarted by an amendment to the Czech Social Housing Concept 2015-2025, which allowed local authorities to designate areas, specific properties or streets where new applications for housing benefits will be deemed ineligible. This is expected to hit poor Roma families unable to find other housing because of anti-Roma racism on the rental market. Legal action has been initiated to contest restrictions on material aid for those living in so-called ‘areas with increased incidence of undesirable phenomena’ that are in place in 12 municipalities.

Estimates from census data in **Hungary** suggest that 3% of the total population inhabits 1,380 segregated settlements. Hundreds of such dwellings are situated in remote peripheries lacking basic infrastructure and public transport links. There is no comprehensive housing plan nor any prospect of assistance to enable the most impoverished to improve their housing situation, and city development plans still exclude ‘Roma streets’ or neighbourhoods. According to the monitoring report, partly as a result of the rising value of city areas, the segregation of the poorest increases as they move to poorer settlements. In some cases, this is described as a spontaneous process, in others it is a direct consequence of decisions made by city leadership to relocate and displace, as in Miskolc and Budapest.

In **Slovakia**, some municipalities purchase cheap houses in remote villages to ‘export their problematic’ Roma residents. In larger towns, Roma families face discrimination in the rental market and have no option but to stay in 15 m² container flats with shared bathrooms and showers at a cost of 200 EUR per month for rent and electricity. Public funds have been allegedly used to build segregation walls, and to ‘relocate’ Roma on the outskirts of villages into newly built, poor quality housing units, without proper access to basic utilities.

In **Bulgaria**, half of the Roma-inhabited houses in segregated neighbourhoods had no sewage system. In some cities, modest interventions to provide social housing for disadvantaged groups were met with anti-Roma protests, and in Varna and Burgas, the authorities were pressured by ultranationalists to cancel such plans.

Italy was found to be managing 149 ‘authorised’ Roma-only settlements; the mapping data cited in the report shows that residential segregation is widespread and systematic, and takes place in both major cities and medium-sized municipalities, where significant public funding is used to maintain Roma-only camps and perpetuate exclusion. Previous government commitments to ‘overcome the system of camps’ came with assertions in the National Roma Integration Strategy (NRIS), that “the liberation from the camp as a place of relational and physical degradation of families and people of Roma origin, and their relocation to decent housing, is possible.” Few concrete steps and no comprehensive measures were undertaken to end residential segregation.

FORCED EVICTIONS

The evidence from the reports shows that in a number of Member States, the call for an immediate halt to forced evictions in letters sent to seven European governments made in 2016 by Council of Europe Commissioner for Human Rights went unheeded. In Bulgaria, the Czech Republic, France, Ireland, Italy, Romania and Slovakia, many local authorities still favour demolitions and mass evictions, without providing adequate alternative accommodation for those evicted, in defiance of domestic and international law.

In **Bulgaria**, according to the data collected from 61 per cent of municipalities, 399 out of all 444 orders (89%) concerning the demolition of residential buildings issued by local administrations refer to the homes of Roma.⁴ Often prompted by anti-Roma demonstrations and extremist demands for the expulsion of Roma, such demolitions serve to heighten inter-ethnic tensions. There are no regulations to protect families who find themselves on the street without a fixed address, without access to public services, consultation or the offer of adequate alternative accommodation, and consequently have no alternative but to build new irregular dwellings.

⁴ Daniela Mihailova Alexander Kachamov, *Demolition of Illegal Housing in Roma Neighbourhoods: Sustainable Solution for Roma Integration or a Problem of Discrimination against Roma in Bulgaria?* Equal Opportunities Initiative Association, Sofia, 2017, p. 50. Available at: <https://www.marginalia.bg/wp-content/uploads/2017/05/REPORT-2017-en.pdf>.

Similarly, in **France**, between 10,000 and 15,000 Roma are evicted annually, with no provision for alternative accommodation for the majority and the rest are offered a few nights at an emergency hostel. The authorities responded to a new law prohibiting evictions during wintertime by dramatically stepping up evictions just before the moratorium kicks in.

The frequency with which authorities in **Italy** carry out mass evictions without formal notice, proper consultation, or provision of alternative accommodation has attracted much international criticism, and has prompted the European Court of Human Rights, on occasion, to issue interim orders to halt evictions which would inflict undue hardship on the sick and vulnerable. Despite the commitment of the government in the NRIS to overcome ‘emergency policies’ for Roma, the evidence points to an increase in forced evictions. According to the authors of the Italian monitoring report, the policy of forced evictions solves nothing but aggravates Roma exclusion and exacerbates the already dire living conditions of those affected.

ERRC in its submission for the 34th UPR session concerning Italy in 2019, noted that in May 2015, the Court of Rome, in respect to the formal camp La Barbuta, ruled for the first time in Italy that Roma-only housing maintained by municipalities violates the 2000/43/EC Directive (Racial Equality Directive) transposed into the Italian legal system by the Legislative Decree 215/2003.

Far from reducing the “system of camps”, Italian authorities have continued to approve the construction of new segregated Roma-only camps and shelters. On 11 August 2016, the Naples municipality approved plans for a new camp built in via del Riposo to “temporarily” host 168 Roma in 28 containers. Since 2012, the city of Milan has opened four reception centres to accommodate the evicted Romani families. These are shelters that initially welcomed only Roma, and are therefore places of housing segregation. The ERRC closely monitored forced evictions of Roma in Italy for a number of years. From April 2014 the ERRC has recorded at least 318 forced evictions; this should not be considered to be a comprehensive number of all forced evictions of Roma in Italy, but as a sample of cases about which the ERRC has received information.

ERRC field research found that families living in informal camps were persistently evicted without respect for the protections prescribed by international standards. Residents were not consulted prior to eviction and they did not receive formal eviction orders, making it difficult to challenge the evictions legally. The situation of schoolchildren, elderly people, pregnant women and people with health issues was not taken into consideration. Most of the time the evictees were not offered alternative accommodation, which forced them into an endless cycle of evictions from one camp to another.⁵

According to the **Belgian** monitoring report, forced evictions of Roma and Travellers prompted condemnation from the European Committee of Social Rights (ECSR) for being in violation of several rights protected by the European Social Charter back in 2012. Three years later, the CoE Commissioner for Human Rights on a country visit found that, ‘local authorities [...] increasingly proceed to evictions. Evictions are carried out all year round, including in winter, and irrespective of the number of years spent on a site’.

Similarly, in **Ireland**, the ECSR found the government to be in breach of Article 16 of the Revised European Social Charter, as there were inadequate safeguards against forced evictions included in the legislation. Also, the UN Committee on the Rights of the Child expressed concern over the ‘criminalisation of nomadism, pursuant to the Housing (Miscellaneous) Provisions Act 2002 combined with the inadequate provision of transient halting sites, resulting in forced evictions and the suppression of nomadism as a cultural practice’.⁶

The RCM report notes that following the Carrickmines tragedy in 2015, a national fire safety audit in Traveller accommodation was rolled out. Despite assurances that the audits would not result in forced evictions, Traveller organisations stated that this is precisely what happened. A number of evictions took place throughout the country, leaving families homeless or forcing people to stay at homes and bays of extended family members. In 2016, 23 families were evicted from Woodland Park halting site on the basis of fire

5 ERRC, WRITTEN COMMENTS of the European Roma Rights Centre, concerning Italy To the Human Rights Council, within its Universal Periodic Review for consideration at the 34th Session (4-15 November 2019). Available at: http://www.errc.org/uploads/upload_en/file/5138_file1_italy-hrc-submission-26-march-2019.pdf.

6 UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Ireland, 2016, para 69 d. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvOufvUWRUJILHil.HKqpXZxUGOtzQF0P%2b37QzAKosbh7yc40d4j3lYnFaWf0Egu6j99RK6Y%2fTHjped5r1H3f3KQliFieFkoeAPALAwKpbZz>.

safety concerns. Recent figures released by the Department of Housing show that the number of Traveller households living by the side of the road or in overcrowded conditions has increased by 66% in five years.⁷

In light of the complete failure to make any progress on the priority of housing since the launch of the EU Roma Framework in 2011, and in the hope that this travesty does not simply roll on to 2030, the following points should be heeded both by the EU and its Member States:

- Any public investments into the housing of vulnerable groups, particularly Roma, should be driven by desegregation objectives. Procurement of new dwellings with public support should not increase the number of inhabitants in segregated areas.
- Development of social housing policies on the local level should be supported and driven by housing needs rather than by other criteria. Public resources should not be invested into temporary accommodation or separate housing schemes for Roma and other inhabitants.
- Residents of informal dwellings should be protected from eviction and demolition of their homes, unless they are provided with substitute standard housing in a desegregated setting with access to public services.
- The ESIF should not support the conservation of existing segregation or investments leading to further segregation. The existing legal and administrative framework prohibiting such investments (such as the EC's 'Guidance for Member States on the use of ESIF in tackling educational and spatial segregation') should be rigorously reinforced by the EC services responsible for ESIF implementation.
- Forced evictions should be used only as a last resort and prevention of forced evictions should be strengthened by provision of services such as social counselling, debt management and mediation, and active detection of households or areas at higher risk.
- It is necessary to create an early warning system for potential victims of evictions and provide them access to legal aid, either by public authorities or by NGOs with public financial support. The moratorium on evictions in winter should be respected and particularly vulnerable persons such as the elderly the infirm, and families with children should be provided with special protection.
- In case of mass evictions performed by public authorities, a clear strategy about what social assistance will be provided to the evictees should be required, ideally with provision of substitute accommodation or housing; the consequences of evictions on further social inclusion should be considered.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

Accessibility

- Discrimination in relation to access to land, including water and natural resources essential for habitation;
- Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
- Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
- Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
- Data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

Habitability

- Discrimination in relation to housing conditions, overcrowding or housing maintenance;
- Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;

⁷ Pavee Point Traveller and Roma Centre, Civil society monitoring report on implementation of the national Roma integration strategy in Ireland. 2018. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-ireland-2018-eprint-fin-2.pdf>.

- Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
- Discrimination in relation to housing renovation or permission of housing extension;

Affordability

- Discrimination in relation to access to public benefits related to housing;
- Lack of equal access to affordable housing;
- Discrimination in public and private housing financing;
- Discrimination related to housing and service costs, housing related fees, litigation or taxation;

Security of tenure

- Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
- Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
- Differential treatment in land or title registration, permission of housing construction;

Availability of services, materials, facilities and infrastructure

- Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
- Public transportation services and transportation costs;
- Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
- Spatial disparities in access to health care, education, child care, cultural and recreational facilities;

Location

- Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
- Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
- Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
- Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

Cultural adequacy

- Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
- Prohibition of accessing, maintaining or constructing culturally adequate housing;
- Lack of recognition of mobile forms of residency.

ACCESSIBILITY

Discrimination and access to land, clean water and sanitation, infrastructure and other essential services:

Access to basic sanitation is an essential component of living a decent existence, according to Article 34 (3) of the EU Charter of Fundamental Rights. The human rights to water and sanitation require that these services be available, accessible, safe, acceptable, and affordable for all. Moreover, they require sanitary services that provide individuals with sufficient privacy and dignity. These rights also entail an explicit focus on the most disadvantaged and marginalized, as well as an emphasis on participation, empowerment, accountability and transparency. A disturbingly high share of the Roma population still lives without tap water in their dwellings.

In Bulgaria, the Czech Republic, France, Hungary, Italy, Romania and Slovakia, even where safe water supply and sanitation services were available to non-Roma households, Roma were often systemically discriminated against in their access to them.⁸

The problem in the **Czech Republic** was acute in the privately-owned residential hostels, where a high percentage of the tenants are Roma and it is common for an entire floor of tenants to share showers and toilets.

In **Slovakia**, many segregated settlements have no sewage system, and across poorer regions many Roma dwellings lack basic indoor plumbing. In some households, the water supply was cut off due to accumulated arrears and/or never connected. Public wells operate everywhere in varying distances from the houses, but there was no information on water quality.

In **Romania**, the research cited found that only 53% of the Roma sampled had access to running water. In segregated Roma communities, deep poverty and a lack of support from the local authorities leave Roma without access to basic utilities. Even in locations where facilities are available, 17.3% of the Roma respondents did not have access to cold running water; 20.5% of them did not have access to hot water. One fifth of the Roma households uses a public well or fountain as a source of drinkable water, whereas non-Roma use public water sources in less than 5% of the cases. According to data gathered in 2012 in Slovakia, out of 801 identified Roma localities, 185 do not have any access to public water pipelines (23%). Access to clean water correlates with the degree of exclusion – the more segregated the community, the higher likelihood of not having access to public water.

In **France**, mayors and municipal staff openly declared that if they offered sanitation services and facilities to dwellers in shanty-towns, they could no longer proceed with speedy mass evictions. In these conditions, the inhabitants of slums are obliged to go to public parks and transport water in receptacles, but even these public sources are more and more rare and sometimes the only sources remaining are fire hydrants. Despite the dire health consequences, and the fact that the extent of the problem has been well documented, the French government made no mention of access to clean water and sanitation in its NRIS, and for the most part authorities choose to evict and disperse Roma communities rather than connect them to running water. Noteworthy exceptions include the town of Ile-Saint-Denis, near Paris, where the municipality has installed clean running water and sanitation.

In **Italy**, the living conditions in both official and unofficial ‘nomad camps’ have long been recognised as especially precarious. As far back as 2005, research has shown that lack of access to clean water and sanitation directly resulted in higher incidences of asthma, diarrhoea and bronchitis among children living in the camps. Repressive policies of mass evictions have only served to exacerbate the situation. National and international organisations have documented the appalling living conditions inside ‘authorised camps’ – overcrowded, in poor state of repair, with ever deteriorating hygiene and sanitary conditions. Conditions in the segregated emergency shelters and unofficial camps are even worse in terms of access to clean water and sanitation.

ACCESSING PUBLIC HOUSING

In Bulgaria, Hungary, Romania and Slovakia, social housing represents less than 3% of the total housing stock; within this stock, Roma and poor households are over-represented, often in segregated areas. Even though the share of the public housing stock is larger in the Czech Republic (8%), the social housing stock is also a similar sized sub-sector. This development is linked with the housing privatisation and restitutions that took place in the post-1989 transition years. Back then, worse-off tenants, among whom many were poor Roma, could not purchase their dwellings, so they had no other option but to remain renters. It is also related to the social housing allocation techniques used during the later periods: in selected countries, they went hand in hand with the decline of the public rental housing and the socio-economic profile of its tenants (“residualisation”).⁹

These were sometimes linked with urban renewal strategies to keep Roma and poor households in compact buildings for an easier management of a more or less planned “renoviction” (i.e. the relocation of all of a building’s

⁸ Roma Civil Monitor. A synthesis of civil society’s reports on the implementation of national Roma integration strategies in the European Union. Center for Policy Studies Central European University. European Union 2020, p.18 Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3172/rcm-civil-society-monitoring-report-synthesis27-2019-eprint-fin.pdf>.

⁹ Roma Civil Monitor. A synthesis of civil society’s reports on the implementation of national Roma integration strategies in the European Union. Center for Policy Studies Central European University. European Union 2020, p.20. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3172/rcm-civil-society-monitoring-report-synthesis27-2019-eprint-fin.pdf>.

tenants on the grounds that a large-scale renovation is planned) of selected neighbourhoods, or to make sure that “residualisation” is enforced. Local allocation techniques may prefer to house poor Roma families in concentrated and segregated neighbourhoods, as has been reported in Slovakia through the “lower standard flats” programme; in Bulgaria in relation to recent social housing investments; in Hungary as a general pattern; and via market-based mechanisms in the Czech Republic in the case of “social hostels” for homeless Roma families.¹⁰

In the **Czech Republic**, excluded segments of the population, Romani people in particular, have found housing of last resort in so-called “residential hotels” where they do not have rental contracts, are not registered as local residents, and frequently pay exorbitant rents for small rooms or flats with common cold-water sanitation facilities. It is very easy for the occupants of “residential hotels” to be evicted; as a result, those for whom this housing is the only option find it almost impossible to settle because they are more or less constantly searching for affordable accommodation and moving frequently to different parts of the country. Conditions for their social inclusion and stability are not being arranged.

Frequent changes during the period at issue to the government policies subsidizing the housing of such persons and allowing local governments to curtail such benefits have made this precarity even more intense. In 2015-2018, a very dramatic recent drop in the amount of public funding disbursed as housing support has coincided with legal provisions adopted in 2017 enabling municipalities to designate whole territorial areas as ineligible for certain forms of housing support (officially “OOP”, but referred to informally as “benefit-free zones”). Other legal developments include provisions enabling municipalities to expel residents found guilty of having committed three misdemeanours (a power that rests entirely with local misdemeanour commissions).¹¹

In **Romania**, Professor Philip Alston, UNHRC Special Rapporteur on extreme poverty and human rights, stated in his end of mission statement that many officials “are in a state of denial about both the extent of poverty in the country and of the systemic and deep-rooted discrimination against the extremely poor, especially the Roma.” He noted that the number of units of social housing available and planned between 2015 and 2020 was radically below the level of need: “There is no national plan to address this chronic shortage and the criteria that are used in practice to allocate available housing clearly disfavor the worst off. I met many people living in dire poverty who recognized that they would never qualify for social housing because of the restrictive criteria applied.”¹²

In its 2016 submission to the UNCRC on **Romania**, the ERRC stated that legal provisions on state support for vulnerable families to meet their utility costs, under Law 116/2002 on preventing and combating social marginalisation, are not known or not implemented by local authorities, leading to evictions for failure to meet such costs. This was recently illustrated by a new threat of eviction against a Romani community in Eforie Sud in April 2016.

The allocation of social housing, largely regulated at the local level, is often marred by discriminatory scoring criteria. One widespread and particularly egregious example concerns the number of children: families applying for social housing generally receive additional points for more children; however, this is often capped at three children. The ERRC believes that such a cap is motivated by the age-old stereotype of large Romani families.

While housing is generally the responsibility of local authorities, the central government plays a significant role. It funds a majority of social housing developments and contributes to housing related subsidies. County prefects, which represent the central government, review the legality of local decisions including the allocation of social housing, as well as all eviction and demolition orders. No measures are in place for the central government to monitor and ensure that local housing policies and decisions, including evictions, are not discriminatory.¹³

¹⁰ *Ibid.* p. 20.

¹¹ WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING THE CZECH REPUBLIC To the Committee on the Elimination of Racial Discrimination, for consideration at its 99th Session (5-29 August 2019). Available at: http://www.errc.org/uploads/upload_en/file/5159_file1_czech-cerd-submission-26-june-2019.pdf.

¹² UNHRC, End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights. 2015. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>.

¹³ WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE, CONCERNING ROMANIA For Consideration by the Committee on the Rights of the Child at its Pre-session Working Group for the 75th Session (3-7 October 2016) Available at: http://www.errc.org/uploads/upload_en/file/romania-crc-submission-july-2016.pdf.

ACCESSING SAFE AND AFFORDABLE RENTALS

Local connections and deposits are strong conditions in terms of preventing poor Roma families from accessing affordable and safe rentals, including social housing rentals. In most EU countries, access to municipal housing is only possible if a certain income level, labour market criteria and having resided in the town for a certain number of years (local connection criteria) are fulfilled. For example, in Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, municipalities have full freedom to decide which flats can be allocated to which applicants.¹⁴

ACCESSING HOUSING BENEFITS

Benefits systems are often decentralised. Consequently, regional and local disparities in coverage may affect different households differently, depending on where they are located. For example, in Hungary, housing benefits are optional and such amounts are very low compared to the actual housing costs. The same problem (the housing benefits amounts not reflecting the real housing-related costs) exists in Bulgaria and Slovakia, or in Romania, where they cover a marginal part of the heating costs.

Additional barriers, such as the lack of identity documents, illiteracy and lack of information, may also prevent Roma families from accessing housing benefits. Applying for housing benefits is a **complex and bureaucratic process**, and as specifically reported in the case of Greece, this aspect is very difficult to manage for semi-literate or illiterate marginalised Roma living in informal dwellings. Language barriers **also present obstacles to accessing benefits**, especially for EU mobile citizens. The lack of a registered local address, for example, due to a missing housing title or ID cards, may lead to exclusion from housing allowance schemes in Romania, Slovakia and Bulgaria.¹⁵

In the **Czech Republic**, local authorities designate areas as ineligible for housing benefits: The explicit justification for allowing municipalities to designate certain addresses as ineligible for housing benefits has been to combat the exploitation of poor people, but the municipalities that have instituted these bans see them as a way to rid their territories of the mostly Romani people who draw such benefits. Among the leading proponents of the measures has been Liana Janačková, Mayor of the Mariánské Hory Municipal Department of the City of Ostrava, who has been attempting for a decade or more to expel the entire Romani community from her municipal department and has been vocally racist about that aim.

In 2015 UNCERD recommended that the Czech government adopts a social housing law and establishes a comprehensive social housing system with a particular focus on Roma and ethnic minorities in general. No progress has been made on this issue in the interim; on the contrary, indirect racial discrimination – the design and implementation of general, seemingly neutral policy measures, which have a disproportionately disadvantageous impact on Roma – has been refined.

The Government's Strategy is clearly misconceived, as exemplified by their assertion that "In housing, the key lies in social work to prevent loss of housing and to pass on the skills needed to maintain housing ...". Rather than work with tenants on their "skills", however, the state should work to prevent municipalities from engineering evictions and benefit-free zones, and work to prevent property developers from engaging in discriminatory practices. The people described above who face eviction are not persons who need "social work" to acquire the "skills needed to maintain housing". They are, however, of Romani origin, which seems to be the main factor motivating their eviction.¹⁶

HABITABILITY

A major housing indicator for overcrowding emphasizes that, on average, Roma families have considerably smaller living space per person. In Bulgaria, Czech Republic, Hungary, Romania and Slovakia, on average, the gap between Roma and the general population ranges from 30 per cent to 70 per cent in terms of available floor space and the number of rooms per person in a household, with the lowest gap being in Romania and the

14 Roma Civil Monitor (2020). p. 21.

15 *Ibid.* p. 23.

16 WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING THE CZECH REPUBLIC To the Committee on the Elimination of Racial Discrimination, for consideration at its 99th Session (5-29 August 2019). Available at: http://www.errc.org/uploads/upload_en/file/5159_file1_czech-cerd-submission-26-june-2019.pdf.

highest in the Czech Republic. The situation in Greece is comparable to the post-socialist countries, which may be linked with housing allocation techniques in the early 2000s: lower quality housing was allocated to Roma families so that they could leave campsites where they lived in tents and shacks. In Spain and Portugal, the general average is better compared with the rest of the selected countries, but the gap is larger.

The lack of access to running water and toilet and bathroom facilities seems to be especially problematic in former socialist countries. Particularly, Romania, Bulgaria, Hungary, Slovakia and Croatia lack indoor toilets in Roma households, whereas Greece faces similar issues. The RCM country reports document a number of additional issues: the Slovakian situation illustrates that, even though the physical infrastructure may exist, drinkable water from public pipelines may not be accessible for all inhabitants or is available only for several hours a day in some segregated neighbourhoods. Sometimes, as reported in Hungary, Austria, Greece and Slovenia, despite having water infrastructure, a housing unit may be cut off due to outstanding debts.¹⁷

In post-socialist countries, the housing exclusion of Roma is further exacerbated by spatial concentration, segregation and the prevalence of illegal or informal housing and large monoethnic urban neighbourhoods or rural settlements. For example, in Bulgaria, NGOs estimated that 50 to 70 per cent of Roma live in informal housing. In Slovakia, every third Roma household was estimated to live in informal housing. In the Czech Republic, every third Roma family was estimated to be housed in a segregated setting. In Romania, more than half of the neighbourhoods inhabited by Roma are monoethnic, and every fifth household lacks documents. In Hungary, two-thirds of Roma live in neighbourhoods with predominantly Roma inhabitants. The Czech system of very expensive “social hostels” for homeless Roma households, who cannot find standard accommodation because of widespread discrimination, represents a special case of segregated housing.

Another spectacular example of systemic residential segregation is the accommodation of Roma families in “nomad camps” practised by many municipalities in **Italy**, rather than promoting their access to regular housing. Roma who have lived in informal housing, or in settlements that have existed for decades, some which were created by the central or local government, face a perpetual eviction threat. The Italian RCM report discusses the dramatic housing conditions due to several aspects: poor state of the building (e.g. ruined or slum housing), lack of access to drinking water and sanitation in both public and private housing). At times, access to garbage collection, which should be provided as a public service, is not provided, access to electricity is insecure, use of heating is restricted by households and there is overcrowding.¹⁸

In **Slovakia**, housing policy has long been characterized by mass forced evictions and the erection of walls separating Roma from non-Roma. Substantial numbers of Roma are subject to residential segregation, substandard housing, lack of access to basic infrastructure and, importantly, a lack of access to drinking water. Based on the Atlas of Romani Communities (2013), out of 803 localities that are inhabited by more than 30 percent Roma, over 40% of these localities are located at the margins of municipalities and over 18 percent of the Roma population - nearly 80,000 people - live in segregated areas. Segregation translates into substandard housing, with associated health risks and lack of infrastructure. Paved roads, electricity, water pipelines, sewage systems, access to public services are either non-existent, very limited or hard to access. About 14.7% of **people living in Romani settlements** live in non-standard forms of housing (e.g. shacks, wooden houses). Many Romani families live under the threat of forced eviction due to insufficient legal protection from forced evictions and ineffective system of legalization procedure which could lead to home ownership. Many Romani dwellings are located either on state-owned or private land as a result of the transition from communism and decentralization during that period.¹⁹

EXPOSURE TO HEALTH RISKS

As a result of residential segregation many Roma lack access to safe drinking water that does not pose a health risk to them. Research by the ERRC in Slovakia covering 21 Romani neighbourhoods found that only in two neighbourhoods did most of the Romani households have an indoor drinking water tap; more than 40% of Roma

17 Roma Civil Monitor. A synthesis of civil society's reports on the implementation of national Roma integration strategies in the European Union. Center for Policy Studies Central European University. European Union 2020, p.21. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3172/rcm-civil-society-monitoring-report-synthesis27-2019-eprint-fin.pdf>.

18 *Ibid.* p. 22

19 WRITTEN SUBMISSION BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING SLOVAKIA To the Committee on the Elimination of Racial Discrimination, for consideration to the 94th Session (20 November - 8 December 2017) Available at: http://www.errc.org/uploads/upload_en/file/slovakia-cerd-submission-5-november-2017.pdf.

reported that they only have access to a shared water supply; one third declared that they have to walk distances between 150 meters and several kilometres to the nearest water supply. Many reported that their routes to fetch water often necessitates trespassing, and is full of obstacles like highways, railways, forests, and fences.

For example, in Nižný Tvarožec, Eastern Slovakia, there is a medium-sized Roma settlement on the outskirts of the town which is separated by some 500 metres from the town by a farm. The Roma here are left without access to drinking water by the authorities so they are forced to drink water from an unprotected well contaminated by agricultural pesticides and biological material. The ERRC has submitted water from the well to a certified water lab in Košice in May 2014 and the test results revealed that the quality of the water was poor and significantly contaminated by nitrogen. The mayor did not consider the settlement a part of her municipality (she declared to the ERRC and UNDP researchers that there was 100% water pipe coverage in her town). Roma, especially those living in the eastern part of Slovakia, suffer from higher hepatitis rates than the rest of Slovakia.²⁰

According to research carried out on a sample of 441 Roma and published in the Central European Journal of Public Health, more than half of them had been infected by hepatitis B through their life time. The study estimates that Roma are being disproportionately affected by hepatitis B as 12.5% of the Roma population in Eastern Slovakia suffers from it, compared with 1.7% level among the majority population.²¹ Hepatitis A has been also affecting Romani communities due to lack of access to safe drinking water. For instance, in Sobrance a major Hepatitis A outbreak was recorded in 2016 leading to a declaration of emergency by the local municipality. The outbreak started at a local Roma community that was living without access to drinking water, having been previously cut off from it, and as pointed out by the regional health authority, the location was polluted by waste as the municipality failed to provide a waste collection schedule for the locality.²²

According to the Slovak Anti-Poverty Network “housing and the protection of the right to housing is the weakest component of public policies”. There is an acute shortage of affordable accommodation; just 2.7% of dwellings are publicly owned (EU average 18%). **Commissioner Nils Muižnieks** noted that partly as a result of lack of tenure, many Roma in Slovakia live with the threat of forced eviction and that although there are several state mechanisms allowing for the construction of flats for marginalised communities, housing interventions remain limited, with many municipalities reluctant to use existing resources to promote inclusion.

An **ERRC submission** to the Human Rights Council on Italy in March 2014 drew attention to findings that children raised in these camps - often under guard or video surveillance - are prone to a number of severe and debilitating conditions, are more frequently born underweight than other children and become ill with respiratory disease in greater numbers than their Italian peers. They suffer more often from poisoning, burns and accidents at home.

Evictions from both formal and informal camps constitute a major problem for the mental and physical well-being of Romani children. Close monitoring of evictions in Milan shows, particularly with informal camps, that evictions are excessively traumatic and that families are subjected to repeated evictions. Families are given little or no advance warning of evictions, making it difficult or impossible to pack and remove all their personal belongings before a camp is demolished.

There is a greater incidence of “diseases of poverty”, such as tuberculosis, scabies, and lice. The children exhibit high incidences of anxiety and sleep disorders, suffer from phobias, are hyperactive and have attention deficits, and have learning difficulties - conditions which “are also predictive of more serious disorders in adolescence and adulthood.”²³

SECURITY OF TENURE: DISCRIMINATION IN RELATION TO FORCED EVICTIONS

Leilani Farha, the UN Special Rapporteur on the right to adequate housing said: “In the face of this pandemic, being evicted from your home is a potential death sentence”. The rapporteur declared that the right to adequate

20 ERRC, *Thirsting for Justice* 2017, ERRC. Available at: <http://www.errc.org/cms/upload/file/thirsting-for-justice-march-2017.pdf>.

21 Central European Journal of Public Health, High Hepatitis B and Low Hepatitis C Prevalence in Roma Population in Eastern Slovakia, available at: http://apps.szu.cz/svi/cejph/show_en.php?kat=archiv/2014-sup-09.

22 ERRC, Written submission to UNCERD concerning Slovakia, 2017.

23 Bernard Rorke, Suffer little children: the terrible toll of everyday racism against Roma, *ERRC News*. 25 January 2016. Available at: <http://www.errc.org/news/suffer-little-children-the-terrible-toll-of-everyday-racism-against-roma>.

housing is not subject to derogation in times of emergency. Limitations to this right are permissible “solely for the purpose of promoting the general welfare in a democratic society.”

The forced eviction of five Romani families in the Hungarian town of **Nyíregyháza** on the 6th of October 2020, marked a definitive end to the moratorium on evictions during the Covid-19 pandemic. The evictions, which left a total of 17 people homeless, were condemned by the Vice-president of the local Roma minority self-government, László Glonczy, who criticized the municipality for its failure to engage in constructive dialogue on debt repayment. He described putting families with young children out on the streets during a pandemic as ‘outrageous’.

Nils Muižnieks former Council of Europe Commissioner for Human Rights, described Roma evictions as ‘Europe’s silent scandal’. Housing is the least successful policy area and forced evictions and demolitions continued apace, with many Roma ‘relocated’ to remote, sometimes toxic sites, with no access to basic services. Such actions serve to banish Roma, to uproot and displace communities even further out of sight and out of mind.²⁴

The recent Communication from the European Commission on the new **Roma framework up to 2030**, blandly notes that “the housing situation remains difficult,” and aims to reduce the gap in housing deprivation by one third, cut overcrowding by half, and ensure that at least 95% of Roma have access to clean water – all very commendable ‘quantifiable headline targets’ – but the Communication makes no mention of ‘Europe’s silent scandal’ and nowhere calls on Member States to halt forced evictions of Roma.

According to the European Agency for Fundamental Rights (FRA) the **Czech Republic** has the largest share of Roma (almost half) that perceive themselves as threatened by evictions. Discrimination in the rental sector has forced some 100,000 Roma into 4,000 substandard hostels and dormitories, where they are charged up to three times the market value of an ordinary flat by slumlords. Czech Roma are increasingly being evicted from developed urban areas to structurally disadvantaged regions and socially excluded localities.²⁵

Between 2015 and 2020, the situation in **Bulgaria** worsened considerably. Evictions of Roma in 2015 were precipitated by violent anti-Roma protests orchestrated by nationalist groups and gangs of football ultras laying siege to Roma neighbourhoods. In response to such pressure, a number of local authorities followed up with forced evictions and house demolitions. Such actions prompted the UN Committee against Racism and Discrimination to issue a blunt rebuke to the Bulgarian authorities: “*Stop the persistent practice of forcibly evicting and destroying Roma settlements without offering alternative housing or adequate compensation, and take measures to legalize existing settlements to the extent possible while facilitating access to basic services in these settlements*”.

This call has had little effect and has gone largely unheeded. In 2019, as more ‘spontaneous’ far right attacks on Roma neighbourhoods took place, Deputy Prime Minister Krasimir Karakachanov, head of the extremist Internal Macedonian Revolutionary Organization party (IMRO), upped the tension by calling for harsh measures “because Gypsies in Bulgaria have become exceptionally insolent.” This was followed by local authorities demolishing fifteen family dwellings as a form of collective punishment. Video footage of the violence in Gabrovo showed the mob attacking houses, throwing rocks through windows and demolishing chimneys, while bystanders cheered and applauded. Over recent years one clear pattern has emerged in Bulgaria: anti-Roma rhetoric, forced evictions, and attacks on Roma neighbourhoods coincide with electoral cycles.

Some sense of the gravity of the situation in **Romania** can be garnered from the end-of-mission statement by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights:

*The structural problem in many places is that Roma lack security of tenure. Either they have no property title or rental agreement, or they live in ‘formerly nationalized houses’. At any time, they can be evicted from their homes, with all of the attendant stress. All too often, evictions have taken place with little advance notice, have been carried out in an abusive fashion, result either in homelessness or relocation far away from jobs, schools, hospitals, and other facilities, and end up reinforcing residential segregation of a discriminatory nature.*²⁶

24 Bernard Rorke, *Forced evictions of Roma: “Europe’s silent scandal”*, FEANTSA, Homeless in Europe Magazine Winter 2020 - Roma Experiences Of Homelessness In Europe. Available at: https://www.feantsa.org/public/user/Resources/magazine/2020/Winter%20Roma/Forced_Evictions.pdf.

25 Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf.

26 UNHRC, End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights. 2015. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>.

Below are some illustrative forced eviction cases litigated by ERRC and decided by courts in 2020 and 2021:

Forced evictions: the Eforie case (Romania) 2013-2021: ERRC has been involved in litigating and campaigning this case since October 2013, when Romani families, including 55 children, were evicted and their homes demolished without consultation or provision for alternative housing. They were forced to shelter in an abandoned school building and a disused dormitory without electricity.

In July 2014, ten of the Romani families of around 50 people were once again evicted from the school under the direction of the deputy mayor of Eforie and relocated to containers which were insufficient in number, had inadequate provision for utilities and were located on the edge of the municipality near an excavation site, posing further risk to children. Three families, including 14 children, were provided with no accommodation of any kind.

In April 2015, the ERRC, Amnesty and Romani CRISS opposed the threatened eviction of the families living in the dormitory, calling on the Romanian government to take action to halt all forced evictions of Roma. In March 2016, the European Court of Human Rights issued an emergency order to stop the local municipality from evicting the Roma from the container settlement. On 1 June 2016, in a landmark first decision from the Romanian court found the 2013 demolition to be unlawful, and ordered the municipality to provide the victims with adequate alternative housing.

On 11 March 2021, local authorities in Eforie were ordered to provide adequate housing to the Roma who were evicted and had their homes demolished seven years previously. The authorities must also pay compensation amounting to €20,000 per person for their failure to implement the earlier judgment regarding the illegal eviction.

Forced evictions: the Belville case (Serbia) 2012-2020: After a five-year-long legal battle, two Roma who were evicted from their homes in Belgrade and placed in an abandoned warehouse in Nis in 2020, have finally been awarded more than €2,600 each (plus interest) in compensation by the Belgrade Court of Appeal. The European Roma Rights Centre (ERRC) represented them and another third litigant, who has unfortunately died in the years awaiting the court's decision.

Despite awarding damages, the court rejected the ERRC's argument that forced evictions disproportionately target Roma in Serbia and constitute indirect discrimination. They also failed to address the vulnerable position of Roma living in segregated settings, which requires special attention from the authorities, or the fact that the Romani families were living without any papers to regulate their habitation in their place of living and were therefore at risk of further evictions.

The litigants, their families, and around 1000 other Roma were forcefully evicted on 26th April 2012 from an informal site in Belgrade which was known as "Belville". Many of the people living there were internally displaced families from Kosovo who were relocated to shipping containers on the outskirts of the city. Some of the Romani families represented by the ERRC had registered permanent addresses in Nis, so the authorities sent them to live there in an abandoned warehouse without access to water, sanitation, or electricity.²⁷

Forced evictions: the Seine-Saint-Denis case (France) 2013-2020: The European Court of Human Rights (ECtHR) has, in a long awaited judgment, ordered France to pay more than €40,000 in compensation to six Roma who were evicted from their homes in 2013. The European Roma Rights Centre (ERRC) supported the Roma to take their case to the French courts and eventually all the way to the European Court. The six Romani litigants have Romanian nationality, and most of them had been living in France for more than ten years with residence documents as EU citizens. They had been subjected to several forced evictions over the years, before the eviction in 2013 which they took to court.

Marginalised Roma are frequently targeted for forced eviction in a disproportionate way which does not take into account the specific needs of vulnerable communities. The court emphasised the fact that the litigants belonged to "an underprivileged social group" and that the authorities had failed to their particular needs into account when they made the decision to evict them.

The Roma had been living in caravans for about six months on municipal land in Seine-Saint-Denis, near Paris, when they were ordered to vacate the area by the Prefect on 29 March 2013. At the time of the eviction all of

²⁷ ERRC, Press release 29 June 2020. Available at: <http://www.errc.org/press-releases/roma-win-court-case-against-serbian-authorities-for-2012-forced-eviction>.

the school-age children were attending school. No alternative accommodation was offered to the Roma, who were forced to sleep outside or in their cars before moving to an informal settlement in Bobigny where they had to share a caravan with other families.²⁸

Forced evictions: Kale Fortress case Skopje (North Macedonia) 2016-2020: The UN CEDAW in March 2020, found in favour of six young Romani women (brought in two cases) who were evicted from their homes without warning, whilst pregnant, in August 2016. Municipal authorities came and bulldozed the homes of approximately 130 Roma, including these six women, living on the riverside beneath the Kale Fortress in the centre of Skopje. They destroyed the water pump used by the community, and also many of their possessions which were in their dwellings, leaving them homeless and vulnerable in extreme weather conditions.

The Committee has given North Macedonia six months to provide reparations to the six women, as well as suitable accommodation, access to clean water, nutrition, and immediate access to affordable health-care services. The women had lived at the site for nine years before the illegal eviction took place. Afterwards they were left on the streets during extreme flooding without access to water or sanitation, and were later forced to see out their pregnancies in freezing tents and makeshift shelters. The six women were additionally unable to access social housing or medical care because they – like many other Roma in Macedonia – lacked identity documents.²⁹

²⁸ ERRC, Press release, 14 May 2020. Available at: <http://www.errc.org/press-releases/european-court-orders-france-to-compensate-evicted-roma>.

²⁹ ERRC Press release, 23 March 2020. Available at: <http://www.errc.org/press-releases/north-macedonia-ordered-to-pay-compensation-for-evicting-pregnant-roma>.